

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

Selim Zherka,

V. DEFENDANT AND THIRD PARTY PLAINTIFF

Philip Amicone,

THIRD PARTY SUMMONS IN A
CIVIL ACTION

Case Number: 08 Civ. 2062 (CLB)(GAY)

V. THIRD PARTY DEFENDANT

The Guardian News, Inc. and Richard Blassberg.

To: Name and address of Third Party Defendant

The Guardian News, Inc.
2 William Street
White Plains, NY 10601

Richard Blassberg
2 William Street
White Plains, NY 10601

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Jonathan Lovett, Esq.
Lovett & Gould, LLP
222 Bloomingdale Road
White Plains, New York 10605
(914) 428-8401

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

Kevin J. Plunkett, Esq.
DeBello Donnellan Weingarten Wise & Wiederkehr, LLP
One North Lexington Avenue
White Plains, New York 10601
(914) 681-0200

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

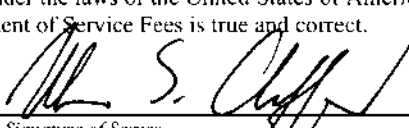
CLERK

(By) DEPUTY CLERK

DATE

5-12-08

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE 5/19/08	
NAME OF SERVER MATTHEW S. CLIFFORD	TITLE ATTORNEY	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the third-party defendant. Place where served: <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input checked="" type="checkbox"/> Other (specify): VIA ELECTRONIC MAIL. COUNSEL FOR THIRD PARTY DEFENDANTS AGREED TO ACCEPT SERVICE ON THEIR BEHALF.		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>5/17/08</u> Date</p> <p style="text-align: center;"> Signature of Server</p> <p style="text-align: center;">DELBELLO DONOVAN ET AL 1 NORTH LEXINGTON AVE, 11TH FLOOR, WHITE PLAINS, NY 10601 Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.